

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Judge Zagel	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 835	DATE	February 21, 2008
CASE TITLE	QUINSHELA TURNER v. JACKSON PARK HOSPITAL, et al.		

DOCKET ENTRY TEXT:

The application for leave to proceed in forma pauperis is granted. The motion to remove the case from state court is denied. The case is dismissed for lack of federal jurisdiction.

STATEMENT

The plaintiff seeks to remove her medical malpractice claim from state court. She entitles her motion a "notice of removal for cause." She also seeks leave to file this motion *in forma pauperis*. I am willing to grant the motion for leave to file without payment of fees. But the motion must be denied on its face.

Congress allows only *defendants* in state courts to remove cases to federal court. Quinshela Turner, who seeks removal, is the *plaintiff* in the state court case. She has no legal right to remove the case. Even if she had the right to remove the case, the Court would then dismiss for want of jurisdiction. Medical malpractice is governed by state law, and the only way (in this kind of case) that medical malpractice can be heard in this court is if the plaintiff and all defendants are diverse in citizenship. That means here that Plaintiff, who is an Illinois resident, could bring her case in state court only if each and every one of the defendants is a resident (citizen) of another state or states. One of the defendants, Jackson Park Hospital, is an Illinois institution, and the individual doctors are on the staff there. So diversity cannot be shown. Moreover, the person treated by the defendants was not the plaintiff, but her husband, who died while under the defendants' care. There is no showing that the plaintiff has the authority to bring a lawsuit on behalf of her husband's estate. Plaintiff is quite clear that the reason for the removal motion is her dissatisfaction with the actions of the state court judges who are dealing with her case in state court. This is not a valid ground for removing a case from state court. "Plaintiff should know there is no federal jurisdiction here since her attempt to sue here on the same incident was dismissed for want of federal jurisdiction by Judge Kennelly in 07C4221."